

Exhibit 8

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EUROPEAN COMMUNITY, ET AL, :
Plaintiffs : 02 CV 5771

-against- :
United States Courthouse
Brooklyn, New York

RJR NABISCO, INC, ET AL :
Defendants. : October 26, 2010
10:30 o'clock a.m.

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TRANSCRIPT OF MOTIONS
BEFORE THE HONORABLE NICHOLAS G. GARAUFIS
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: KRUPNICK CAMPBELL MALONE
700 Southeast Third Avenue
Fort Lauderdale, FL 3315

BY: KEVIN MALONE, ESQ.
CARLOS A. ACEVEDO, ESQ.

SACKS & WESTON
114 Old York Road
Jenkintown, PA 19046

BY: JOHN K. WESTON, ESQ.

1 Appearances Continues:

3 SPEISER, KRAUSE, NOLAN
4 & GRANITO
5 140 East 45th Street
6 New York 10017

7 BY: JOHN HALLORAN, JR., ESQ.

8 For the Defendants:

9 JONES DAY
10 222 East 41st Street
11 New York 10017

12 BY: MARK R. SEIDEN, ESQ.
13 LESLIE B. DUBECK, ESQ.
14 GREGORY KATSAS, ESQ.

15 Also Present:

16 MICHAEL MAVRINAC
17 Administrator European
18 Anti-Fraud Office

19 MAREK KADUCZAK
20 Head of Legal Unit
21 European Anti-Fraud Office

22 BERND MARTENCZUK
23 European Commission
24 Legal Service

25 Court Reporter:

Gene Rudolph
225 Cadman Plaza East
Brooklyn, New York
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1 parties are involved, but that's not what the claim is about.
2 The claim is for the active negligence of the defendants
3 themselves. There is no issue of third parties and therefore
4 the negligence claim should stand.

5 The defendants made an argument based on the
6 economic loss rule. The economic loss rule under New York law
7 does not apply to a case like this.

8 THE COURT: Under New York law? Why does New York
9 law apply?

10 MR. MALONE: Diversity of citizenship.

11 THE COURT: There's a choice of laws issue, isn't
12 there here?

13 MR. MALONE: You mean between state and federal
14 common-law?

15 THE COURT: Among the States. Aren't there other
16 states involved in this?

17 Why should we accept New York law? How is New York
18 law the law which in a choice of law situation we should
19 apply? Have you looked at that?

20 MR. MALONE: Actually I haven't because I think both
21 sides have assumed that New York law would apply if state law
22 applies.

23 THE COURT: I can't assume.

24 MR. MALONE: I know that. I don't think either one
25 of us even considered it.